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PTO/SB/29 (2/98)

Approved for use through 09/30/2000. OMB 0651-0032
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AUG 02 1999

PATENT & TRADEMARK OFFICE

CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.
(Only for Continuation or Divisional applications under 37 C.F.R. § 1.53(d))

CHECK BOX, if applicable:

☐ **DUPLICATE**

Address to:

Assistant Commissioner for Patents
Box CPA
Washington, DC 20231

Attorney Docket No.	TSRI 432.0D1
First Named Inventor	Maruyama
Examiner Name	S. Priebe
Group / Art Unit	1632
Express Mail Label No.	EL193838976US

This is a request for a ☒ continuation or ☐ divisional application under 37 C.F.R. § 1.53(d),
(continued prosecution application (CPA)) of prior application number 08/ / 852,020,
filed on 5/6/97, entitled LAMBOID BACTERIOPHAGE VECTORS FOR EXPRESSION...

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. § 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. § 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. § 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. § 1.53(d), but must be filed under 37 C.F.R. § 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. § 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. § 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. § 1.78(a).

- ☐ Enter the unentered amendment previously filed on _____ under 37 C.F.R. § 1.116 in the prior nonprovisional application.
- ☒ A preliminary amendment is enclosed.
- This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53 (d)(4).
 - ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:
.....
 - ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
- Information Disclosure Statement (IDS) is enclosed:
 - ☐ PTO-1449
 - ☐ Copies of IDS Citations

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 C.F.R. § 1.16(c) or (j))	4	-20* =		x \$ _____ =	\$
INDEPENDENT CLAIMS (37 C.F.R. § 1.16(b) or (i))	2	-3** =		x \$ _____ =	
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 C.F.R. § 1.16(d))				+ \$ _____ =	
				BASIC FEE (37 C.F.R. § 1.16)	\$ 760.00
				Total of above Calculations =	760.00
Reduction by 50% for filing by small entity (Note 37 C.F.R. §§ 1.9, 1.27 & 1.28).					
* Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent.				TOTAL =	\$ 760.00

6. Small entity status:

- a. ☐ A small entity statement is enclosed, if (b) and (c) do not apply.
b. ☐ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
c. ☐ Is no longer claimed.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 19 - 0962:

- a. ☒ Fees required under 37 C.F.R. § 1.16.
b. ☒ Fees required under 37 C.F.R. § 1.17.
c. ☐ Fees required under 37 C.F.R. § 1.18.

8. ☒ A check in the amount of \$ 760.00 is enclosed.

9. ☒ Other: ..Certificate..of..Express..Mailing.....

NOTE:

The prior application's correspondence address will carry over to this CPA
UNLESS a new correspondence address is provided below.

10. NEW CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label

or ☐ New correspondence address below

(Insert Customer No. or Attach bar code label here)

Name

Address

City

State

Zip Code

Country

Telephone

Fax

11. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print /Type)

Thomas E. Northrup

Signature

Thomas E. Northrup

Registration No. (Attorney/Agent)

33,268

Date

August 2, 1999



THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL COVER SHEET and the documents referred to as enclosed therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service Mail Label No. EL193838976US under 37 CFR 1.10 on the date indicated below and is addressed to: Box CPA, Assistant Commissioner for Patents, Washington, D.C. 20231.

Thomas E. Northrup
Thomas E. Northrup, Reg. No. 33,268

8-2-99
Date of Deposit

Applicant: Maruyama, et al.

Serial No.: 08/852,020

Filing Date: May 6, 1997

Title: LAMBDROID BACTERIOPHAGE VECTORS
FOR EXPRESSION OF FOREIGN
PROTEINS

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) Group Art Unit: 1632

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) Exam.: S. Priebe

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) Our Ref.: TSRI 432.0 D1
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this AMENDMENT and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date indicated below with sufficient postage as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Thomas E. Northrup 8-2-99
Thomas E. Northrup, Reg. No. 33,268 Date of Deposit

Applicant: Maruyama, et al.)
Serial No.: 08/852,020) Group Art Unit: 1632
Filing Date: May 6, 1997) Exam.: S. Priebe
Title: LAMBDROID BACTERIOPHAGE VECTORS)
FOR EXPRESSION OF FOREIGN) Our Ref.: TSRI 432.0 D1
PROTEINS)

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

PRELIMINARY AMENDMENT

Please cancel claims 30-56 without prejudice or disclaimer.

Please add new claims 57-60 as follows:

Sub E1
D1 57. A recombinant lambdoid bacteriophage vector comprising a nucleotide sequence that (i) defines the lambdoid elements for replication and packaging of the vector into an assembled bacteriophage, and (ii) encodes a conditionally suppressible cistron for expression of a matrix anchor and a fusion protein that comprises:

- a) a promoter for transcribing the cistron,
- b) a first upstream translatable sequence that encodes a